

**THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>GARY PADGETT,</b>	:	
<b>Plaintiff,</b>	:	
<b>vs.</b>	:	<b>CIVIL ACTION 04-0784-WS-C</b>
<b>WILLIAM WHEAT, et al.,</b>	:	
<b>Defendants.</b>	:	

**ORDER**

After due and proper consideration of all portions of this file deemed relevant to the issue raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is **ADOPTED** as the opinion of this court. It is **ORDERED** that the claims against defendant Jimmy Moss and defendant Daisy Sleets be and are hereby **DISMISSED** without prejudice for failure to prosecute and to obey the Court's order. It is further **ORDERED** that this action proceed against the other defendants.

**DONE** and **ORDERED** this 27<sup>th</sup> day of December, 2006.

s/WILLIAM H. STEELE  
UNITED STATES DISTRICT JUDGE